

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**BARBUT, Denise et al.**

**Serial No.: To Be Assigned**

Filed: Herewith

For: CANNULA WITH ASSOCIATED  
FILTER AND METHODS OF USE  
DURING CARDIAC SURGERY

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

**INFORMATION DISCLOSURE STATEMENT**

MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

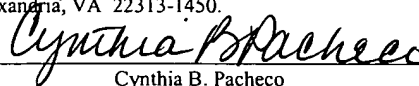
**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EV337189705US) in an envelope addressed to the Commissioner for Patents, Mail Stop Patent Application, PO Box 1450, Alexandria, VA 22313-1450.

December 31, 2003  
Date of Deposit  
IR1:1051094.1

  
Cynthia B. Pacheco

in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- ☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- ☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
  - ☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.
  - ☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- ☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**Statement Under 37 CFR § 1.97(e):**

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).  
☐ Please charge \_\_\_\_\_ to Deposit Account No. 50-2862 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'MELVENY & MYERS' Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: December 31, 2003

By: *Diane K. Wong*  
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<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b> 244,610-240	<b>SERIAL NO.</b> Not Yet Assigned
	<b>APPLICANT:</b> Denise Barbut et al.	
	<b>FILING DATE:</b> Herewith	<b>GROUP:</b> Not Yet Assigned

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		3,472,230	10/69	Fogarty			
		3,701,433	10/72	Krakauer et al.			
		4,425,908	01/84	Simon			
		4,494,531	01/85	Gianturco			
		4,572,724	02/86	Rosenberg et al.			
		4,619,246	10/86	Molgaard-Nielsen et al.			
		4,688,553	08/87	Metals			
		4,723,549	02/88	Wholey et al.			
		4,832,055	05/89	Palestrant			
		4,873,978	10/89	Ginsburg			
		4,955,895	09/90	Sugiyama			
		4,969,891	11/90	Gewertz			
		5,053,008	10/91	Bajaj			
		5,133,733	07/92	Rasmussen et al.			
		5,147,379	09/92	Sabbaghian et al.			
		5,152,777	12/97	Goldberg et al.			
		5,160,342	11/92	Reger et al.			
		5,300,086	04/94	Gory et al.			
		5,329,942	07/94	Gunther et al.			
		5,330,451	07/94	Gabbay			
		5,370,657	12/94	Irie			
		5,370,685	12/94	Stevens			

EXAMINER: Not Yet Assigned	DATE CONSIDERED:
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		5,375,612	12/94	Cottenceau et al.			
		5,383,887	01/95	Nadal			
		5,415,630	05/95	Gory et al.			
		5,549,626	08/96	Miller et al.			
		5,599,329	02/97	Gabbay			
		5,695,519	12/97	Summers et al.			
		6,179,859	01/01	Bates et al.			

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATIO YES NO	
		3417738 A1	11/85	Germany				
		2,567,405	07/84	France				
		9301980	10/93	Brazil				
		EP0791340	08/97	EPO				
		WO97/17100	05/97	PCT				
		764684	09/80	Soviet Union				

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
		BARBUT ET AL., "Cerebral Emboli Detected During Bypass Surgery Are Associated With Clamp Removal," <i>Stroke</i> <u>25</u> (12):2398-2402 (1994)
		BARBUT ET AL., "Comparison of Transcranial Doppler Ultrasonography and Transesophageal Echocardiography to Monitor Emboli During Coronary Artery Bypass Surgery," <i>Stroke</i> <u>27</u> (1):87-90 (1996)
		BARBUT ET AL., "Aortic Atheromatosis and Risks of Cerebral Embolization," <i>Journal of Cardiothoracic and Vascular Anesthesia</i> <u>10</u> (1):24-30 (1996)
		CASCUDO ET AL., "Myxoma of the Right Atrium," <i>Arquivos Brasileiros de Cardiologia</i> <u>56</u> (5):389-391 (1991)
		CULLIFORD ET AL., "The Atherosclerotic Ascending Aorta and Transverse Arch: A New Technique to Prevent Cerebral Injury during Bypass: Experience with 13 Patients," <i>The Annals of Thoracic Surgery</i> <u>41</u> (1):27-35 (1986)
		DAMÁSIO ET AL., "Multiple Cerebral Aneurysms and Cardiac Myxoma," <i>Arch. Neurol.</i> <u>32</u> :269-270 (1975)
		DA SILVA ET AL., "Postinfarction ventricular septal defect," <i>J. Thorac. Cardiovasc. Surg.</i> <u>97</u> :86-89 (1989)
		DA SILVA ET AL., "Heart-lung transplantation. Initial clinical experience," <i>Arquivos Brasileiros de Cardiologia</i> <u>57</u> (2):103-108 (1991)
		DA SILVA ET AL., "Heart and Unilateral Lung Transplantation for Cardiomyopathy With High Pulmonary Vascular Resistance," <i>Ann. Thorac. Surg.</i> <u>53</u> :700-702 (1992)
		DA SILVA ET AL., "The Heart-lung transplant. Initial clinical experience," <i>Revista Portuguesa de Cardiologia</i> <u>12</u> (1):9, 51-5 (1993)
		DA SILVA ET AL., "Heterotopic heart transplantation: A direct pulmonary artery anastomosis technique," <i>The Journal of Thoracic and Cardiovascular Surgery</i> <u>108</u> (4):795 (1994)
		FORNARI ET AL., "High-resolution electrocardiogram in the study of early rejection of heart transplant by spectral temporal mapping," <i>Arquivos Brasileiros de Cardiologia</i> <u>60</u> (3):183-185 (1993)
		LAZOR ET AL., "Use of the Multiple Uptake Gated Acquisition Scan for the Preoperative Assessment of Cardiac Risk," <i>Surgery, Gynecology &amp; Obstetrics</i> <u>167</u> :234-238 (1988)
		MILLS ET AL., "Atherosclerosis of the ascending aorta and coronary artery bypass," <i>J. Thoracic Cardiovasc. Surg.</i> <u>102</u> (4):546-553 (1991)
		SCHNEIDER, "Particulate Emboli Retained by Bypass Blood Filters," <i>Scand. J. Haemat.</i> <u>12</u> :185-203 (1974)
		VAN DER LINDEN ET AL., "When Do Cerebral Emboli Appear During Open Heart Operations? A Transcranial Doppler Study," <i>Ann. Thorac. Surg.</i> <u>51</u> :237-241 (1991)
		YAO ET AL., "Detection of Aortic Emboli by Transesophageal Echocardiography During Coronary Bypass Surgery," ASA Abstract No. 126, <i>Anesthesiology</i> <u>83</u> (3) (1995)

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